

REMARKS

Reconsideration of this patent application is respectfully requested in view of the foregoing amendments, and the following remarks.

The amendments to this patent application are as follows.

Enclosed herewith is a revised drawing figure in which at least one of the thrust bearings of the spring device 3 is identified with the reference symbol 6. Also the Specification on page 4 was amended to add the reference symbol 6 to clarify the position location of the thrust bearing 6 shown in the revised drawing. In addition, cross-hatching has been added to the sectioned surfaces, so that the objections raised in this regard have now been eliminated, as well. Finally, the text "Fig. 1," has been removed from the drawing so that the corrected version of the drawing now complies with all of the requirements of U.S. patent practice.

On Page 3 of the Office Action, there were objections by the Patent Examiner made to claim 6.

For example, Claim 6 was objected to because of the following informalities: in Line 4, "is" should be changed to --are-- for proper grammatical form. In response to this objection, appropriate correction was made by changing "is" to "are."

Also, Claim 6 was objected to because of the following informalities in Line 12, "it's a" should be changed to --a-- to correct a minor typographical error. Appropriate correction was made so as to change "it's a" to "a."

For all of the above reasons, the Drawings, the Specification, and all the claims, are now in complete compliance with all the requirements of 35 U.S.C. 112. Withdrawal of this ground of rejection is respectfully requested.

On Page 3 of the Office Action, the Patent Examiner has rejected claims 6, 7, and 10 under 35 U.S.C. 103(a) as being unpatentable over *Drexel* (U.S. Patent No. 6,540,059) in view of *Friedrich* (U.S. Patent No. 5,758,758).

On Page 5 of the Office Action, the Patent Examiner has rejected claim 8 under 35 U.S.C. 103(a) as being unpatentable over *Drexel* (U.S. Patent No. 6,540,059) in view of *Friedrich* (U.S. Patent No. 5,758,758), as applied to claim 6, and further in view of *Luthje et al* (U.S. Publication No. 2003/0089177 A1).

Also on Page 5 of the Office Action, the Patent Examiner has rejected claim 9 under 35 U.S.C. 103(a) as being unpatentable over *Drexel* (U.S. Patent No. 6,540,059) in view of *Friedrich* (U.S. Patent No. 5,758,758), as applied to claim 6, and further in view of *Keeney* (U.S. Patent No. 6,167,997).

These rejections are respectfully traversed.

With regard to the *Drexel U.S. Patent No. 6,540,059*, it is respectfully pointed out that in this document, the sensor 115 serves exclusively for determining a specific position of the piston 26. Furthermore, the sensor 115 is shown not to be on the spring device 111, according to Fig. 2 in *Drexel*. A determination of solid body changes of the spring device 111 and/or of at least one of its thrust-bearings is therefore not possible at all with the sensor 115. In this regard, reference is made, once again, to *Drexel*, column 10, lines 14 to 20, and to column 11, lines 10 to 64.

In similar manner, the path of a piston 3 is to be detected in the *Friedrich U.S. Patent No. 5,758,758*. This becomes particularly clear from the statement of disclosure in column 2, lines 24 to 29, in which it is explicitly described that an activation cylinder for moving the friction clutch of a motor vehicle in and out is to be created. It is supposed to be possible to determine the path the piston 3 has traveled by way of a measuring element, and its resolution is allegedly improved. It is therefore once again the goal of *Friedrich* to detect the position of the piston 3, and not, as claimed in the invention of claim 6 or of claim 10, to detect a change in solid body properties. With this claimed determination, the position of the clutch can be ascertained by way of a spring force.

In addition, neither the *Keeney* U.S. Patent No. 6,167,997 nor the *Drexel* or *Friedrich* patents show any sensor that can detect solid body changes. There are no specific text locations to document this. The sensor 115 from *Drexel* has not in this regard been proven to be able to do this, because according to Fig. 2, it is not even connected with the spring device 111 or one of its counter-bearings at all. Instead, it is connected with the release cylinder 28', according to Fig. 2 in *Drexel*.

A further distinction over the prior art is based upon inserting the sensor of claim 8 into claim 6 and into claim 10. This produces a sufficiently great distinction over the prior art which is achieved by incorporating the structure of claim 8 into claim 6 and into claim 10.

The reference *Luthje* is nonanalogous prior art, because it is not disclosed as being useful for a disk clutch. Thus, it relates to an entirely different problem from that solved by the current invention. Also, there is no teaching, suggestion, or motivation to modify the structure of *Luthje* to render it utilizable for a disk clutch.

In summary, it is respectfully submitted that on the basis of these claimed differences as compared with the device taught according to *Drexel* and that taught according to *Friedrich*, which are now clearly different, the present invention is both novel and

patentable over all the prior art. The claimed structure is in no way made obvious by *Drexel* or *Friedrich* or *Keeney* or *Luthje*. In view of the patentability of the now amended claim 6 and claim 10 that results from this, the dependent claims that are dependent thereon are necessarily also patentable, in the same manner.

For all the reasons set forth above, no prior art reference provides an identical disclosure of the claimed invention. Hence, the present invention is not anticipated under 35 U.S.C. 102. For all these reasons, all the claims are patentable under 35 U.S.C. 103 over all the prior art applied by the Patent Examiner. Withdrawal of these grounds of rejection is respectfully requested. A prompt notification of allowability is respectfully requested.

Respectfully submitted,
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ERF:lgh
Enclosure: "Replacement Sheet" of drawings

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on May 30, 2008.


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